

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

BRIAN PHEIL,

Plaintiff,

v.

ORDER

JEFFREY PUGH, SGT. BOWE, CO HAND, CO VARLEY,
CO RABUCK and KIMBERLY RICHARDSON,

10-cv-555-bbc

Defendants.

BRIAN PHEIL,

Plaintiff,

v.

ORDER

TAMMY MAASEN, DR. ADLER,
DR. BRET REYNOLDS and DR. HIRSCHMAN,

10-cv-659-bbc

Defendants.

Plaintiff Brian Pheil is proceeding in two separate cases in this court on claims that defendant prison officials withheld medications from him. In a February 3, 2012 order, I granted plaintiff Brian Pheil's motion for appointment of counsel in case no. 10-cv-659-bbc and stayed proceedings in that case in order to locate counsel. I also stayed proceedings in case no. 10-cv-555-bbc in the event that plaintiff's counsel in 10-cv-659-bbc agreed to represent plaintiff in both cases.

Richard Bolton, Jacob Frost and Rebecca Oettinger, members of the Wisconsin Bar, have agreed to represent plaintiff in case no. 10-cv-659-bbc, with the understanding that they will serve with no guarantee of compensation for their services. It is this court's intention that the appointment of these attorneys to represent plaintiff extend to proceedings in this court only.¹

¹ "Proceedings in this court" include all matters leading up to a final judgment on the merits, the filing of a Notice of Appeal, if appropriate, and ensuring that all steps are taken to transfer the record to the Court of Appeals for the Seventh Circuit.

As discussed in the February 3 order, going forward plaintiff must work directly with his lawyers and permit them to exercise their professional judgment to determine which matters are appropriate to bring to the court's attention and in what form. Plaintiff will not have the right to require counsel to raise frivolous arguments or to follow every directive he makes. He should be prepared to accept the strategic decisions made by his lawyers even if he disagrees with some of them, and he should understand that it is unlikely that this court will appoint another lawyer to represent him should plaintiff choose not to work with these appointed lawyers.

Regarding case no. 10-cv-555-bbc, plaintiff will proceed without the assistance of counsel. I will give him a final chance to submit materials in opposition to defendants' motion for summary judgment in that case. Plaintiff will have until April 2, 2012 to submit his brief in opposition, proposed findings of fact and responses to defendants' proposed findings of fact. Defendants will have until April 16, 2012 to file their reply.

ORDER

It is ORDERED that:

(1)Richard Bolton, Jacob Frost and Rebecca Oettinger are appointed to represent plaintiff Brian Pheil for the remainder of case no. 10-cv-659-bbc, including all matters leading up to a final judgment on the merits, the filing of a Notice of Appeal, if appropriate, and insuring that all steps are taken to transfer the record to the Court of Appeals for the Seventh Circuit.

(2)A status conference will be held in case no. 10-cv-659-bbc to determine how to proceed in that case.

(3)Regarding case no. 10-cv-555-bbc, summary judgment briefing will proceed as discussed above.

Entered this 6th day of March, 2012.

BY THE COURT:

/s/

STEPHEN L. CROCKER
Magistrate Judge